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Agenda item 74 (a)
Oceans and the law of the sea

Development of an international legally-binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

Programme budget implications of draft resolution A/69/L.65*

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Requests contained in the draft resolution

1. Under the terms of operative paragraphs 1 (a), (b) and (c) of draft resolution A/69/L.65, the General Assembly would decide:

(a) To establish, prior to holding an intergovernmental conference, a preparatory committee, open to all States Members of the United Nations, members of specialized agencies and parties to the Convention, with others invited as observers in accordance with past practice of the United Nations, to make substantive recommendations to the General Assembly on the elements of a draft text of an international legally-binding instrument under the Convention, taking into account the various reports of the Co-Chairs on the work of the Ad Hoc Open-ended Informal Working Group, and decide that the preparatory committee will start its work in 2016 and, by the end of 2017, report to the Assembly on its progress;

(b) That the preparatory committee shall meet for no less than two sessions of 10 working days duration each in 2016 as well as in 2017 with full conference services, with the recognition that, with respect to documentation, any documents of the preparatory committee other than the agenda, the programme of work and the report of the preparatory committee shall be considered informal working documents;

(c) To request the Secretary-General to convene sessions of the preparatory committee in 2016 from 28 March to 8 April and from 29 August to 12 September.

* Relating to the proposed programme budget for the biennium 2016-2017.

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II. Relationship of the requests to the biennial programme plan and priorities for the period 2016-2017 and to the proposed programme budget for the biennium 2016-2017

2. The requested activities referred to in the draft resolution relate to programme 1 of the biennial programme plan and priorities for the period 2016-2017 and section 2, General Assembly and Economic and Social Council affairs and conference management, of the proposed programme budget for the biennium 2016-2017.

III. Activities by which the proposed requests would be implemented

3. It is envisaged that the Preparatory Committee would hold two sessions of 20 meetings each in New York, totalling 40 meetings, in each of the years 2016 and 2017, with interpretation in all six languages, consisting of one meeting in the morning and one in the afternoon. In 2016, the dates would be for 10 days from 28 March to 8 April 2016, and for 10 days from 29 August to 12 September 2016. Dates for 2017 will be determined in consultation with the Department for General Assembly and Conference Management.

4. It has been confirmed that the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction will not be re-mandated starting from 2016. The new Preparatory Committee is closely related to the Ad Hoc Open-ended Informal Working Group, and therefore the entitlement to 10 meetings per year of the Ad Hoc Open-ended Informal Working Group would be used to cover 10 meetings per year of the Preparatory Committee.

5. Accordingly, 30 meetings with interpretation in all six languages will constitute an addition to the meetings workload for the Department for General Assembly and Conference Management in each of the years 2016 and 2017. That would entail additional requirements in the amount of $670,000 for meeting services in the biennium 2016-2017.

IV. Financial implications of the proposals

6. Additional conference-servicing requirements of $670,000 for the biennium 2016-2017 under section 2, General Assembly and Economic and Social Council affairs and conference management, would be required under the proposed programme budget for the biennium 2016-2017 to implement the additional workload.

V. Potential for absorption during the biennium 2016-2017

7. No provisions have been made in the proposed programme budget for the biennium 2016-2017 for the implementation of the activities requested under operative paragraphs 1 (a), (b) and (c) of the draft resolution. At the current stage, it is not possible to identify activities within the section of the proposed programme

budget for the biennium 2016-2017 that could be terminated, deferred, curtailed or modified during the biennium. It is therefore necessary that the additional non-recurrent resources in the amount of $670,000 be provided through an additional appropriation for the biennium 2016-2017.

VI. Contingency fund

8. It may be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 and 42/211, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under this procedure, if additional expenditures were proposed that exceeded the resources available from the contingency fund, the activities concerned would be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.

VII. Conclusion and action required of the General Assembly

9. **Should the General Assembly adopt draft resolution A/69/L.65, additional resources in the amount of $670,000 would arise under section 2, General Assembly and Economic and Social Council affairs and conference services, of the proposed programme budget for the biennium 2016-2017. The amount of $670,000 would represent a charge against the contingency fund and, as such, would require an additional appropriation for the biennium 2016-2017 to be approved by the General Assembly.**

10. **The attention of the General Assembly is drawn to the present statement of programme budget implications. If the General Assembly were to adopt the draft resolution at its sixty-ninth session, the present statement of programme budget implications would be reissued as a revised estimate for the seventieth session. The Fifth Committee will examine during the main part of the seventieth session of the Assembly both the revised estimate arising from the draft resolution and the report of the Advisory Committee on Administrative and Budgetary Questions thereon.**